

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GABRYELLE DANIELS,

Plaintiff,

V.

STATE OF TEXAS DFPS, CHUCK
STERMER, CHERYL MABREY, VICKI
ISRAEL, AMY MONTES, and MELISSA
MCCLURE,

Defendant.

1:24-CV-1427-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff Gabryelle Daniels’s (“Plaintiff”) Complaint pursuant to 28 U.S.C. § 1915(e), (Dkt. 1). (R. & R., Dkt. 8). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on February 7, 2025. (*Id.*). A copy of the report and recommendation was sent by certified mail the same day. (Dkt. 9). Plaintiff timely filed objections to the report and recommendation on February 24, 2025. (Objs., Dkt. 12).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 8), is **ADOPTED**. Plaintiff's claims against Chuck Stermer and Cheryl Marbrey are **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e)(2). Plaintiffs' claims against the other defendants remain pending and will proceed in this litigation.

IT IS FURTHER ORDERED that the Clerk's Office mail a copy of this Order to Plaintiff via certified mail.

SIGNED on March 5, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE